

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SWISSMARINE PTE. LTD.,**

**Plaintiff,**

**v.**

**AES ANDES S.A. (f/k/a AES GENER S.A.)**

**Defendant.**

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**CIVIL ACTION NO.**

**24-cv-\_\_\_\_\_**

**ADMIRALTY RULE 9(h)**

**WRIT OF MARITIME ATTACHMENT AND GARNISHMENT**

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Southern District of New York, or to their lawful Deputy,

GREETINGS:

A Verified Complaint has been filed in this Court on the 14th day of November 2024, numbered and entitled as above, with a claim for damages in the amount of USD 965,805.03 (inclusive of the principal demurrage claim of USD 815,805.03 plus USD 150,000.00 for currently estimated attorneys' fees related to the arbitration) together with interest, cost and attorneys' fees, and a prayer for attachment, and accompanied by a declaration that the Defendant in this suit, AES Andes S.A. (f/k/a AES Gener S.A.), ("AES") cannot be found within this District.

NOW THEREFORE, you are hereby commanded to attach the Defendant's property, tangible and intangible, in your District, to the amount sued for, held in the hands of garnishees, specifically, the Garnishee listed in Schedule A below, to wit, Citibank N.A., 388 Greenwich Street, New York, New York 10013 and such other addresses as may be associated with Citibank N.A. in the District. Such property may include assets, cash, monies, funds, accounts, assets in checking, savings, escrow or other accounts, accounts payable, credits and/or debits, balances, certificates of deposit, contents of safety deposit boxes, letters of credit or proceeds therefrom, effects, debts, proceeds from insurance policies, receivables, stocks, bonds or other securities, sums owing under a credit agreement, or any other contractual agreements and/or other obligations, up to the amount of USD 965,805.03, together with interest, costs and attorneys' fees, belonging to, due, held, or being transferred to, from, or for the benefit of Defendant AES or in its name, or within the possession, custody, or control of the Garnishee.

We do further empower, strictly charge and command you to instruct the Garnishee and its agents to maintain custody, possession, and control of the attached property, which shall be held

by the Garnishee, and shall not be paid, disbursed, released, transferred or otherwise moved from the custody, possession or control of the Garnishee.

We do further empower, strictly charge and command you to notify the Garnishee and their agents as follows:

- 1) An attachment and garnishment has been filed pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure against Defendant AES.
- 2) The Garnishee is required to promptly forward a copy of this Writ to Defendant AES, together with the Summons, Verified Complaint, and the Order granting issuance of the Writ.
- 3) Defendant AES is required to file with the Clerk of the United States District Court for the Southern District of New York, within thirty days (30) of service of this Writ, an answer to the Verified Complaint.
- 4) The Garnishee is required to file with the Clerk of the United States District Court for the Southern District of New York, within twenty-one (21) days of service of this Writ, an answer to the Verified Complaint and to mail answers to any interrogatories served with the Verified Complaint to the Plaintiff's counsel.
- 5) All persons claiming any interest in the property attached or garnished pursuant said Order, upon application to the Court, shall be entitled to a prompt hearing in which Plaintiff shall be required to show why the attachment should not be vacated or further relief granted.

New York, New York on the \_\_\_\_ day of \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
DEPUTY CLERK

**ISSUED FOR:**

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*Attorneys for Plaintiff SwissMarine Pte. Ltd.*

SCHEDULE A

Garnishee upon whom a copy of the within Process of Maritime Attachment and Garnishment shall be served:

1. Citibank N.A., 388 Greenwich Street, New York, New York 10013 and such other addresses as may be associated with Citibank N.A. in the District.